

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Regarding the application:

Title: User selection of computer login

Examiner: Cervetti, David Garcia

Number: 10/090,520

Art Unit: 2136

Priority: April 26, 2001

REPLY TO NON-COMPLIANT NOTICE

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Sir/Madam:

This is filed responsive to the Notification of Non-Compliant Appeal Brief, mailed January 16, 2007.

Respectfully, Patent Appeal Center Specialist Bridget C. Monroe erroneously issued a non-compliance notification, specifically, that section (v) Summary of Claimed Subject Matter, was not compliant with 37 CFR 41.37(c)(1)(v). Ms. Monroe apparently overlooked 37 CFR 41.37(c)(1).

Appellant is a pro se prosecutor. Compliant with 37 CFR 41.37(c)(1), MPEP 1205.02 excuses a pro se prosecutor from obligation of requiring the demanded compliant explanation in section (v) of an appeal brief (emphasis added below).

An exception to the requirement that all the items specified in 37 CFR 41.37(c)(1) be included in the brief is made if the application or reexamination proceeding is being prosecuted by the appellant pro se, i.e., there is no attorney or agent of record, and the brief was neither prepared nor signed by a registered attorney or agent. The brief of a pro se appellant which does not contain all of the items, (i) to (x), specified in 37 CFR 41.37(c)(1) will be accepted as long as it substantially complies with the requirements of items (i) through (iv) and (vii) through (x).

Section (v) in the previously submitted appeal brief adequately provides specification support for all claim limitations of the independent claims, as well as providing a concise technical overview. What is currently written in the brief is a far sight easier to comprehend than what Ms. Monroe calls for. With all due respect, the appeals board ought to be competent to understand the technical subject matter; it's not really that complicated. Further, and most important, detailed

arguments in section (vii) of the brief address, with all due respect, the examiner's stunningly careless, incomprehensible, and ill-considered rejections. English ought not to be a second language at the patent office, and an examiner ought to pay attention to technical details.

In the interest of compact prosecution, applicant proactively had a phone conference with examiner, who was not willing to discuss the prior art that remains the basis for examiner rejections.

Respectfully submitted,



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